

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Ordinance 1st Reading/Quasi-judical
ZB 11-1-01 Town of Davie/ChelseaLynn Corporation/Generally located
between Flamingo Road and SW 121 Avenue

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-3, LOW DENSITY DWELLING DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: The applicant is requesting to rezone the 11.67 acre subject site from R-3, Low Density Dwelling District to CF, Community Facilities District, in order to allow development of a 20,000 square foot County Library and 50,000 square foot Young at Art Museum. The subject site is presently overgrown with heavy vegetation.

The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets the minimum lot area and frontage required by the Land Development Code's conventional nonresidential development standards for the CF, Community Facilities District. It is believed that the uses will not excessively increase traffic beyond what was anticipated by the underlying 5 DU/AC Residential land use plan designation. The proposed rezoning will not create an unrelated isolated zoning district as the CF, Community Facilities designation on this subject site is compatible due to consistency with the Comprehensive Plan and Land Development Code provisions regarding community facilities uses. The proposed use can be considered to be in harmony with the general intent and purpose of the code, and will not be detrimental to the public welfare.

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning Board recommended approval of the request at its January 9, 2002 meeting (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Ordinance, Land use map, Subject site map, Aerial

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-3, LOW DENSITY DWELLING DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from R-3, Low Density Dwelling District to CF, Community Facilities District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from R-3, Low Density Dwelling District to CF, Community Facilities District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as CF, Community Facilities District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2002.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2002.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.

Application #: ZB 11-1-01
Exhibit "A"

Revisions:
Original Report Date: 2/1/02

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner:	Agent:
Name: ChelseaLynn Corporation c/o C. William Laystrom, Jr.	Name: Town of Davie
Address: 1177 SE 3 Avenue	Address: 6591 Orange Drive
City: Fort Lauderdale, FL 33316	City: Davie, FL 33314
Phone: (954)762-3400	Phone: (954)797-1103

BACKGROUND INFORMATION

Date of Notification: January 2, 2002 **Number of Notifications:** 68

Application History: No deferrals have been requested.

Application Request: Rezone the 11.67 acre subject site **FROM:** R-3, Low Density Dwelling District; **TO:** CF, Community Facilities District.

Address/Location: 12100 State Road 84/Generally located between Flamingo Road and SW 121 Avenue.

Future Land Use Plan Designation: Residential (5 DU/AC)

Zoning: R-3, Low Density Dwelling District

Existing Use: Vacant

Proposed Use: 20,000 square foot County Library and 50,000 square foot Young at Art Museum

Parcel Size: 11.67 acres (508,362 square feet)

Surrounding Uses:

North:	State Road 84, I-595
South:	Flamingo Kennels
East:	Village of Pine Lake
West:	Florida Aquatic Nursery, Southwood Farm, Mears Nursery

Surrounding Land
Use Plan Designation:

Transportation
Residential (5 DU/AC)
Residential (5 DU/AC)
Residential (5 DU/AC)

Surrounding Zoning:

North:	Transportation
South:	AG, Agricultural District
East:	RM-5, Low Medium Density Dwelling District
West:	AG, Agricultural District

West: AG, Agricultural District

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: Town Council approved a rezoning, ZB 11-1-93 Justiz/Andreas-Creme Inc., on January 19, 1994 rezoning the subject site from AG, Agricultural District to R-3, Low Density Dwelling District.

Town Council approved the plat, P 11-1-93 Andreas-Creme Inc. Plat, on July 20, 1994 and was recorded in Plat Book 159, Page 23, of the public records of Broward County with no development rights.

APPLICATION DETAILS

The applicant is requesting to rezone the 11.67 acre subject site from R-3, Low Density Dwelling District to CF, Community Facilities District, in order to allow development of a 20,00 square foot County Library and 50,000 square foot Young at Art Museum. The subject site is presently overgrown with heavy vegetation.

Applicable Codes and Ordinances

1. Section 12-307 of the Land Development Code, review for rezonings.
2. Section 12-83 of the Land Development Code, Conventional Nonresidential Development Standards, CF, Community Facilities District, requires minimum lot area of 43,560 square feet, minimum lot frontage of 100 feet, setbacks: front 50 feet, side 25 feet, rear 25 feet, and maximum height of 35 feet.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 4. This planning Area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acre, but in some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West ridge, the Ridgeview Lakes developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park City and Rexmere Village developments, located within an unincorporated area between Nob Hill Road and Pine Island Road.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies: Policy 13-1: The Community Facilities category shall provide for the development of a wide range of activity centers necessary to satisfy the demands of the existing and future Town populations.

Policy 13-2: Community Facilities may be permitted in land use categories other than Community Facilities category, provided such development is compatible with and does not adversely affect the development of surrounding land for designated purposes.

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Policy 13-3: The location of regional community facilities should be encouraged, as appropriate, in close proximity to primary transportation facilities and in areas where such uses are complementary to surrounding existing and planned uses.

Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Staff Analysis

The purpose of this rezoning request is to allow development of a 20,000 square foot County Library and 50,000 square foot Young at Art Museum on the subject site. The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets the minimum lot area and frontage required by the Land Development Code's conventional nonresidential development standards for the CF, Community Facilities District. It is believed that the uses will not excessively increase traffic beyond what was anticipated by the underlying 5 DU/AC Residential land use plan designation. The proposed rezoning will not create an unrelated isolated zoning district as the CF, Community Facilities designation on this subject site is compatible due to consistency with the Comprehensive Plan and Land Development Code provisions regarding community facilities uses. The proposed use can be considered to be in harmony with the general intent and purpose of the code, and will not be detrimental to the public welfare.

Findings of Fact

Rezoning:

Section 12-307(A)(1):

The following findings of facts apply to the rezoning request.

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will not adversely affect living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

While the uses will increase traffic, the increase will not be excessive in relation to what was anticipated by the land use plan designation.

- (f) The proposed change will not adversely affect other property values;
- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change does not constitute a grant of special privilege to an

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

(i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

(j) The proposed zoning designation may be the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends approval, of petition ZB 11-1-01.

Planning & Zoning Board Recommendation

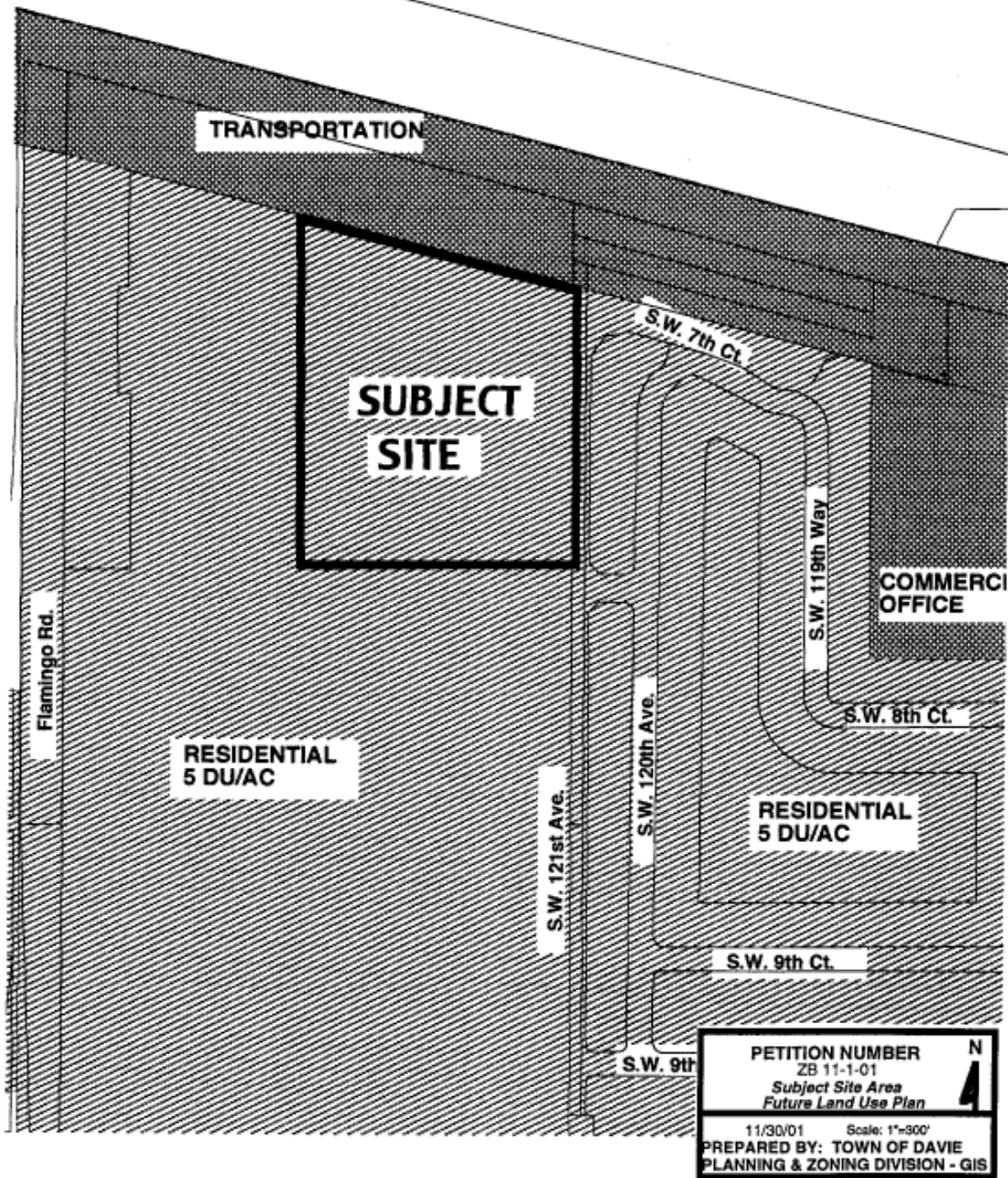
The Planning and Zoning Board recommended approval of the request at its January 9, 2002 meeting (Motion carried 5-0).

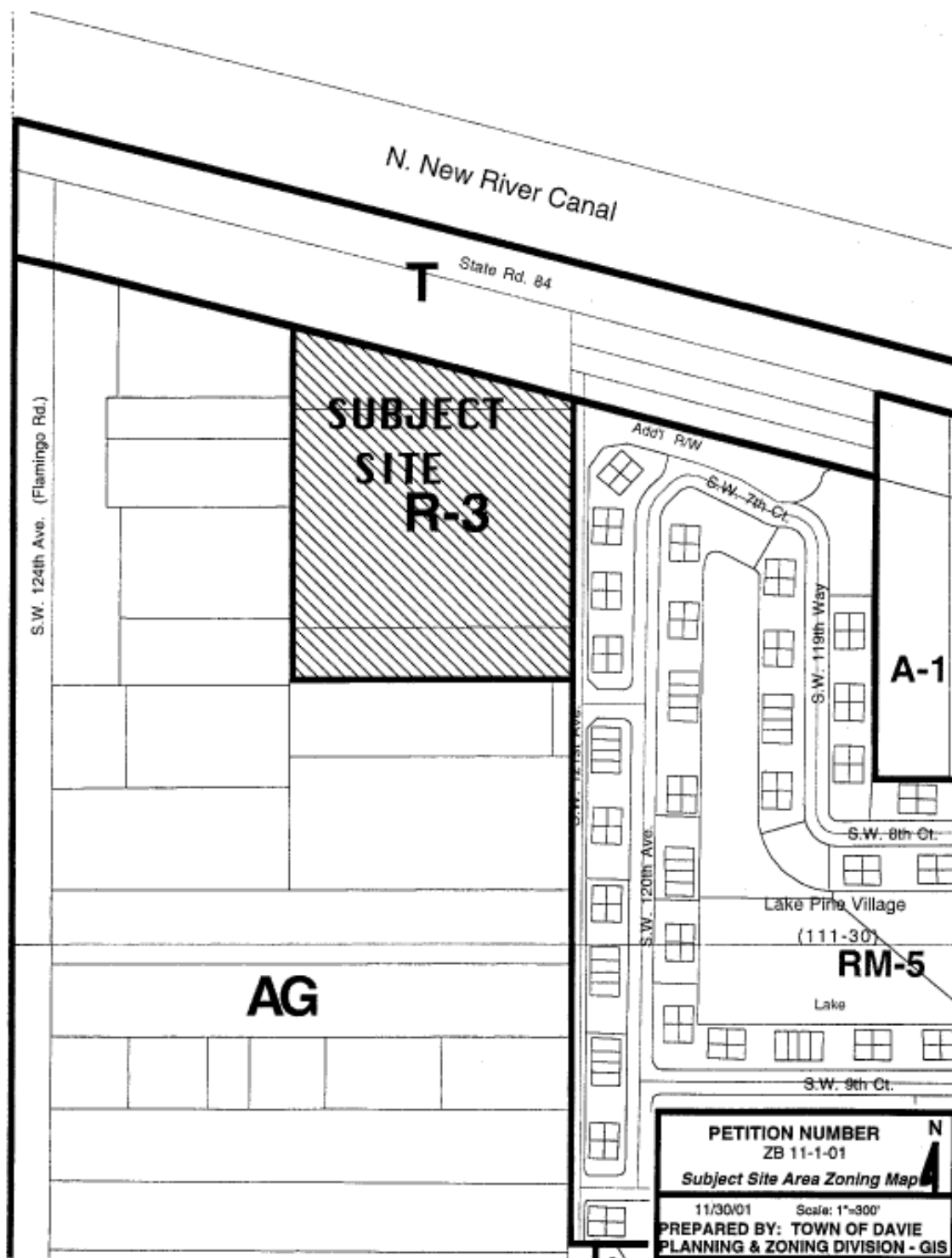
Exhibits

1. Land use map
2. Subject site map
3. Aerial

Prepared by: _____

Reviewed by: _____







N
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DATE FLOWN
JANUARY 1998
SCALE: NTS
ZB 11-1-01
PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS